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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/638,847	08/14/2000	Jay Paul Drummond	D-1077+19	9760
28995	7590	06/25/2004	EXAMINER	
RALPH E. JOCKE 231 SOUTH BROADWAY MEDINA, OH 44256			WINTER, JOHN M	
			ART UNIT	PAPER NUMBER
			3621	

DATE MAILED: 06/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/638,847

Applicant(s)

DRUMMOND ET AL.

Examiner

John M Winter

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 12-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 12-18 and 21-34 is/are rejected.
- 7) ☒ Claim(s) 19 and 20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

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## DETAILED ACTION

### Status

Claims 1-11 have been canceled.

Claims 12-34 are presently pending

Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

### *Response to Arguments*

The Applicant's arguments entered on October 3, 2004 have been fully considered. The Examiner submits that the indicated allowability of claim 12-34 has been withdrawn in view of the newly discovered reference to Ward (US Patent 4,636,947) in view of Lawlor et al. (US Patent 5,220,501). See following rejection

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 12-18,21-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ward (US Patent 4,636,947) in view of Lawlor et al. (US Patent 5,220,501).

As per claim 12,

Ward ('947) discloses a method comprising:

storing in at least one data store in an automated banking machine including a cash dispenser, through operation of at least one processor a plurality of automated banking machine operating rules, wherein the rules correspond to at least one sequence for use of a plurality of transaction function devices in operative connection with the automated banking machine, each of which transaction function devices is capable of carrying out a first transaction function; (Column 2, lines 29-48)

Ward ('947) does not explicitly disclose selecting through operation of the at least one processor a first transaction function device responsive to a first rule; and performing the first transaction function with the automated banking machine through operation of the first transaction function device responsive to the selection. Lawlor et al. ('501) discloses selecting through operation of the at least one processor a first transaction function device responsive to a first rule; and performing the first transaction function with the automated banking machine

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through operation of the first transaction function device responsive to the selection. (Figure 10) It would be obvious to one having ordinary skill in the art at the time the invention was made to combine the Ward ('947) method with the Lawlor et al. ('501) method in order to promote customer satisfaction with the system by completing the transaction.

As per claim 13,

Ward ('947) discloses the method according to claim 12, further comprising:  
determining through operation of the at least one processor that the first transaction device is not available; selecting through operation of the at least one processor a second transaction function device responsive to the first rule; and performing the first transaction function with the automated banking machine through operation of the second transaction function device responsive to the selection.(Figure 4)

As per claim 14,

Ward ('947) discloses the method according to claim 13,  
wherein both the first and second transaction function devices include printer devices,  
wherein in the first transaction function includes printing a receipt.(Figure 5)

As per claim 15,

Ward ('947) discloses the method according to claim 13,  
wherein in the first transaction function device includes a receipt printer, and in (9 the second transaction function device includes a statement printer.(Figure 5)

As per claim 16,

Ward ('947) discloses the method according to claim 12, further comprising;  
selecting the first rule through operation of the at least one processor responsive to an event which is operative to cause the machine to carry out the first transaction function.(Figure 6)

As per claim 17,

Ward ('947) discloses the method according to claim 12, further comprising;  
storing a plurality of capability values in the at least one data store through operation of the at least one processor, wherein the capability values are representative of features of the transaction function devices, wherein in the first transaction function device is selected responsive to at least one of the capability values.(Column 12, lines 37-63)

As per claim 18,

Ward ('947) discloses the method according to claim 12, further comprising;  
storing in the at least one data store through operation of the at least one processor data specifying at least one capability of the first transaction function device; and  
wherein in the first transaction function device is selected responsive to the data specifying the at least one capability.(Column 12, lines 37-63)

As per claim 21,

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Ward ('947) discloses an article of computer readable media bearing instructions operative to cause the at least one processor in the automated banking machine to carry out the method steps recited in claim 12.(Figure 1)

As per claim 22,

Ward ('947) discloses a method comprising:  
storing data representative of a plurality of rules in at least one data store operative connection with at least one processor in an automated banking machine, wherein the automated banking machine includes a cash dispenser, wherein at least one rule includes a hierarchy in operation of a plurality of transaction function devices, each capable of carrying out a first transaction function in the automated banking machine;(Column 2,lines 29-48)

Ward ('947) does not explicitly disclose operating the at least one processor to select a first of the plurality of transaction functions devices responsive to the hierarchy; operating the at least one processor to cause the first transaction function device to carry out the first transaction function responsive to the selection. Lawlor et al. ('501) discloses operating the at least one processor to select a first of the plurality of transaction functions devices responsive to the hierarchy; operating the at least one processor to cause the first transaction function device to carry out the first transaction function responsive to the selection.(Figure 10) It would be obvious to one having ordinary skill in the art at the time the invention was made to combine the Ward ('947) method with the Lawlor et al. ('501) method in order to promote customer satisfaction with the system by completing the transaction.

As per claim 23,

Ward ('947) discloses the method according to claim 22 and further comprising;  
determining through operation of the at least one processor that the first transaction function device is unable to carry out the first transaction function; responsive to the determination in (d) operating the at least one processor to select a second of the plurality of transaction function devices responsive to the hierarchy.(Figure 4)

As per claim 24,

Ward ('947) discloses the method according to claim 23 and further comprising;  
operating the at least one processor to cause the second transaction function device to carry out the first transaction function responsive to the selection in.(Figure 4)

As per claim 25,

Ward ('947) discloses the method according to claim 24  
wherein in the first transaction function comprises printing a document.(Figure 4)

As per claim 26,

Ward ('947) discloses the method according to claim 24 and further comprising;  
wherein in (a) the first transaction function comprises sensing at least one feature of an item.(Figure 4)

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As per claim 27,  
Ward ('947) discloses the method according to claim 22 and further comprising:  
operating the at least one processor so as to cause an event;  
operating the at least one processor to select the at least one transaction  
function device responsive to the event.(Column 12, lines 37-63)

As per claim 28,  
Ward ('947) discloses the method according to claim 22 and further comprising:  
storing in the at least one data store a plurality of capability values corresponding to  
capabilities of respective ones of the plurality of transaction function devices.(Column 12, lines  
37-63)

As per claim 29,  
Ward ('947) discloses the method according to claim 28  
wherein in the first transaction function device is selected responsive to at least one  
capability value associated with the first transaction function device.(Column 12, lines 37-63)

As per claim 30,  
Ward ('947) discloses the method according to claim 27 and further comprising:  
operating the at least one processor to cause the hierarchy to be selected responsive to the  
event.(Column 12, lines 37-63)

As per claim 31,  
Ward ('947) discloses the method according to claim 28  
wherein in each transaction function device has at least one corresponding capability  
value stored in associated relation therewith in the data store.(Column 12, lines 37-63)

As per claim 32,  
Ward ('947) discloses the method according to claim 31  
wherein in the at least one capability value corresponds to the printing properties of the  
corresponding transaction function device.(Column 12, lines 37-63)

As per claim 33,  
Ward ('947) discloses the method according to claim 22 and further comprising:  
dispensing cash from the automated banking machine through operation of  
the cash dispenser responsive to operation of the at least one processor. (Column 12, lines 37-63)

As per claim 34,  
Ward ('947) discloses an article of computer readable media bearing instructions  
operative to cause the at least one processor in the automated banking machine to carry out the  
method steps recited in claim 22.(Figure 1)

***Allowable Subject Matter***

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Claims 19 and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims and complying with double patenting statutes.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### *Conclusion*

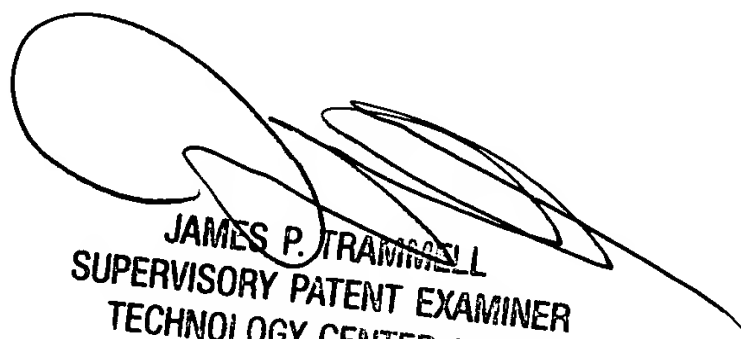
Examiners note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John M Winter whose telephone number is (703) 305-3971. The examiner can normally be reached on M-F 8:30-6, 1st Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James P Trammell can be reached on (703)305-9768. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

June 16, 2004  
JMW



JAMES P. TRAMMELL  
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